

# MINUTES CITY COUNCIL MEETING March 2, 2021

### **CALL TO ORDER**

The meeting was called to order at 6:30 pm.

Due to the COVID-19 health pandemic, the Long Lake City Council attended the meeting telephonically pursuant to Minn. Stat. 13D.021.

**Present:** Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce, and

Deirdre Kvale

**Staff Present:** City Administrator: Scott Weske; Planning Consultant: Hannah Rybak; City

Engineer: Alex Mollenkamp; Fire Chief: James Van Eyll;

**Absent:** None

#### **PLEDGE OF ALLEGIANCE**

## **MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES**

Mayor Miner indicated that the City Council had met in a work session prior to the meeting to discuss City goals. He noted that there are a number of goals that are listed on the City's website that both the Council and staff have been working on for a few years. Those goals will be updated and there will be notations made to show which goals have already been accomplished and which are still in progress.

He also reported that freezing and warming temperatures had caused several watermain breaks in the City. He reflected that staff has done a great job on repairs and expressed his appreciation to Public Works and other staff for their work related to the breaks.

#### APPROVE AGENDA

A motion was made by Dyvik, seconded by Feldmann, to approve the agenda as presented. Ayes: all by roll call.

# **CONSENT AGENDA**

- A. Approve Unofficial Draft Minutes of February 16, 2021 Economic Development Authority Meeting
- B. Approve Minutes of February 16, 2021 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Adopt Resolution No. 2021-08 Conditionally Appointing Emily Quintinskie to the Position of Paid On-Call Firefighter for the City of Long Lake Fire Department

Regarding Item C, Council member Kvale inquired about the claim paid related to decorating downtown City light poles.

City Administrator Weske clarified that vendor Pristine Lighting stores the City's holiday lights and the claim paid represents an annual expense for putting up the garland and lights around Thanksgiving and taking them down in January.

Council member Kvale asked about the payment to WSB for Charles Cudd erosion control. She questioned if it would be reimbursed out of the escrow account.

Weske confirmed that was correct, and MS4 requires the City monitor development activity in the shoreland area. If that development would not be happening, the City would not be monitoring erosion control, so he is assessing those charges back to the Charles Cudd development escrow.

A motion was made by Miner, seconded by Joyce, to approve the Consent Agenda as presented. Ayes: all by roll call.

### **OPEN CORRESPONDENCE**

**Judd Axelson, 1790 Martha Lane** – Mr. Axelson commented that he is a regular user of the lake, he appreciates what the rowing club has done, and he does not oppose their usage of the lake; however, their increased presence has impacted the ability to safely utilize the lake by more traditional boaters, skiers, fishing boats, and pleasure boats. He voiced concern that they may be bumping up against the limit of how much rowing can take place on the lake. He indicated that he has been to some of the meetings that the rowing club has hosted and they have made statements about their operations that are not always in alignment with what actually occurs on the lake. He noted that he wanted to make the Council aware of some of the things are not aligned. He stated that they have said that they tend to stay on the perimeter of the lake, and while that does happen, more often than not, they are using the middle of the lake. He displayed some photos showing examples of the rowers using the middle of the lake and pointed out that it can be very difficult to see them and maneuver around them. He reflected that the rowing club has stated that they do not have more than eight rowers per coach's boat, and showed an example of one coach boat out with 12 rowers. He indicated that there can be a congestion issue because there is no limit on how many rowers can be out there, and the number of rowers is just limited by the number of boats they have. He noted he has heard that they are mostly gone on weekends, but from personal experience he observed that Saturday mornings can be just as busy as any other morning. He stated that they do not seem to adjust their rowing patterns when boats show up, so it puts a lot of the onus on the boaters to avoid them. He reiterated how difficult it can be to see them especially in the early morning and later evening times depending on the sun's position. He added that it can make boating quite stressful and noted that his concern is that there may be an accident or that it may drive people away from using the lake because they think it is too crowded due to the rowers. He emphasized that he is not objecting to them using the lake, but as a user himself, it would be nice if the City does not extend the amount of time that they are able to use the lake and he would also support cutting back their approved hours.

### **BUSINESS ITEMS**

## Final Adoption of the 2040 Comprehensive Plan

Planning Consultant Rybak noted that after the Council's last meeting, revisions and corrections were made to the 2040 Comprehensive Plan and the Plan was sent to Metropolitan Council. Because the revisions to the 2040 Land Use Map were a bit more extensive than they had expected, the Metropolitan Council is requiring that the Plan be reviewed again through their administrative amendment process, though not the full review again. She explained that the changes associated with the future land use map will need to be taken back to the Planning Commission for an additional public hearing and then the 2040 Comprehensive Plan will be brought back to Council for final adoption.

Council member Kvale commented that she was able to read through the Comprehensive Plan and was amazed at the detail it contains. She called attention to the .72 acre parcel near Dexter Park

that is designated as high density, and inquired why it was slated for high density because it is next to a medium density area and adjacent to the park on a residential street.

City Clerk Moeller explained that parcel is owned by Hillside Terrace who also owns the townhomes next door and the apartments on the other side. The reason this was guided high density in the past was in recognition that Hillside Terrace may be planning to utilize that property to construct another set of apartments in the future rather than another set of townhomes.

Council member Kvale noted that the lot is very small asked if Hillside Terrace was pushing strongly to be able to have high density in this location.

Moeller responded that she believes the City has just anecdotally been aware that Hillside Terrace may expand because they are always full and do not have a lot of vacancies. She stated that it had been indicated in years past that the future intent could be additional apartments.

Council member Kvale indicated that she would like the high density property on Dexter Drive to be guided for medium density because that is likely more consistent with actual use.

Moeller stated that as long as the City is outpacing Metropolitan Council's projections and the future land use map continues to have other areas maintained as potential future high density, staff is probably neutral about the one parcel on Dexter Drive being guided medium or high density other than having an awareness for what the property owner's future intent may be. She added that the Council could choose to make a motion to re-guide that property to medium density, but staff would not suggest that Council adjust any other areas of the future land use map at this time.

Council member Kvale reflected that she thinks people who live in the area of the parcel would be very surprised if something high density was developed right next to the park.

A motion was made by Kvale, seconded by Dyvik, to guide the parcel along Dexter Drive adjacent to Dexter Park from high density to medium density.

Council member Dyvik noted that Planning Consultant Rybak had explained that Metropolitan Council's additional review was triggered because the City made land use map changes from high density to medium density, and asked in which locations those changes were made.

Rybak reviewed the locations that had changed as well as her work process in correcting the future land use map.

Moeller added a brief overview of some of the parcels throughout the City that had their designation changed on the future land use map.

Ayes: all by roll call.

Council member Dyvik asked where there was a timeline established for the Metropolitan Council to review the Plan corrections and amendments.

Rybak reiterated that the City will need to hold another public hearing to discuss the changes and take subsequent adoption action before submitting final adoption to the Metropolitan Council. She expects the public hearing to take place at the April 2021 Planning Commission meeting with adoption by City Council to occur at Council's second meeting in April.

Council member Feldmann expressed his appreciation to Planning Consultant Rybak and staff for making the changes to the Comprehensive Plan so efficiently.

Annual Seasonal Use Permit Application by Long Lake Rowing Crew for Use of Long Lake Moeller reported that the Long Lake Rowing Crew (LLRC) has submitted their annual application for their seasonal water use permit. She explained that consistent with their approved Conditional Use Permit (CUP), they've made this year's water use permit request for April 1 or ice out through November 1, 2021 and are proposing to use the lake Monday – Thursday from 6:00 am to 5:30 pm; three weekday evenings from 5:30 pm to 8:00 pm or sunset, whichever occurs first; Fridays and Saturdays from 7:00 am to noon; and no organized group coaching or practice on Sundays. She observed that the only change from last year's application is the change in the end date to November 1, 2021, which is actually a reduction from last year. She clarified that the LLRC's Community Education classes would also take place during the hours listed in the application. She reiterated that their Water Patrol permit application for this year is consistent with their CUP as it was approved in March 2019, therefore staff recommends approval of permit issuance. She noted that the CUP is a land use permit and how the LLRC utilizes the lake is subject to MnDNR watercraft regulations, enforcement by Water Patrol, and is not necessarily subject to the jurisdiction of the City. Recalling Mr. Axelson's comments, she indicated she was unsure whether it would be outside the limits of a CUP to try to limit the amount of equipment on the lake.

Mayor Miner invited a representative from the LLRC to address the issues raised during Open Correspondence.

Amy Johnson, LLRC Director, clarified that the current permit application would not extend their hours and explained that they do not use all of the hours included within the permit, but those hours give them flexibility to add Community Education classes within their permitted hours of operation. She stated that she feels the LLRC has been respectful of other lake users and have tried to use the perimeters during the evening hours and the middle of the lake during non-peak hours. She noted that last year they made a point of having their rowers in high visibility clothing. For the last six or seven years, they have not been on the lake as often on the weekends because they were at regattas; however in 2020, due to COVID-19 they were not, and they did utilize their permitted weekend hours more frequently than in the past. She reiterated that she feels they have been sharing the lake with lake owners as well as community members that come out to utilize the lake.

Council member Dyvik stated that the LLRC had asked for the extended hours previously through their CUP amendment and they are continuing to request operating during the extended hours permitted. He recalled that at the time the LLRC applied for the extended hours initially, he thought it was starting to be overreach. He pointed out the LLRC was looking at building a large structure at Summit Park in Orono but yet communicated that they were not looking to grow. He commented that for all appearances, it has appeared as though they were looking to grow through both expanded hours and a structure to house their equipment. He further recalled that he had requested the LLRC consider a cap to their membership and questioned whether the Council may want to try to pursue a way to limit membership. He explained that he is not worried about this situation is right now because last year wasn't too bad. His concern is how what is laid in place now may look in five or ten years, and he wants to make sure the City is protecting the lake to assure it is a multi-recreational lake. He added that he is also concerned about safety and felt that Mr. Axelson made some good points in his comments because despite the high visibility clothing, when the sun is at a certain angle, it is very difficult to see the rowers.

Rob Berrell, LLRC President, emphasized that the most important thing for LLRC is the safety of their rowers. The discussion about the size of the club has been discussed and if the boathouse project comes to fruition, they are open to putting some sort of membership limitation in their agreement however he felt that would be way down the line in future. The lake can only handle a certain size rowing club and neither the lake or the club can handle it if it gets too big. He reiterated that they are not looking to grow but are looking for a permanent home and a safe place for their club and equipment. He stated that the LLRC wants to continue to be good stewards and partners on the

lake because safety on the lake is everyone's responsibility. He felt that there were definitely times last year where they were targeted by power boats.

Moeller explained that the LLRC's hours of operation on Long Lake are tied to their land use CUP, but noted that the City has found that they need to do a better job of assuring there is more adequate language within the City Code requiring special event permits for use of public waterways. She added that this item is one of staff's new goals and in addressing that, the Council may actually have broader authority in its approval with the LLRC annual permit process once the Code is refined.

Council member Dyvik mentioned that last year, the City added 'no trailer parking' signage to a number of streets near Nelson Lakeside Park in part because on certain days it was observed that the lake was being overcrowded with boat traffic. He noted that the parking lot for trailers is sized the way it is for a reason, and the lake is not big enough to handle an unlimited number of boats. He added that the City is trying to keep the lake from getting overcrowded with power boats, however that does not mean that they want the void to be filled with additional rowboats, and he would like to see a balance that allows for both safety and enjoyment for everyone.

Mr. Berrell suggested that Mr. Axelson contact he or Ms. Johnson to discuss his specific concerns.

Council member Feldmann commented that he thinks it is really neat that Long Lake is a mixed-use recreational lake and feels the rowers are a vital part of the community. He stated that he has wondered about the phrase "rowing club purposes" and asked that if a coach is out there with anybody, including community education, if that was the definition of rowing club purposes. He noted that he thinks there is confusion within the community about the definition of that phrase.

Ms. Johnson explained that the permit covers the group coaching times when there are organized groups on the water. The rowers that are members of LLRC are able to take a shell out and row as public users as long as they are complying with MnDNR rules.

Council member Feldmann indicated that he had witnessed LLRC members being coached after sunset and would encourage them to get in before that time because it is extremely dangerous and very difficult to see them in low light conditions. He also added that he had seen a picture taken by a resident that showed a coach on the lake with a single boat that was taken on a Sunday morning which is outside of the approved hours.

Mr. Berrell mentioned that could have been someone that owns their own boat and would not have been an organized practice.

Ms. Johnson stated that it was probably a private lesson which her understanding of their permitting was that it regulated organized group activities, and a one-to-one lesson time would not fall into that category.

Council member Feldmann advised that he has been receiving questions from community members surrounding definitions and scope, and he asked if there was a certain number of people that can be coached at one time. He clarified that he would like to know if it is two boats or ten boats and asked where these details were defined.

Ms. Johnson reiterated that a private lesson would be a one-to-one experience. She indicated that generally speaking, they have not tended to use Sunday mornings because many times they are at regattas. She stated that if someone in the community asked for a lesson and Sunday morning was the only time that they could come, they have felt it was within the regulations that they can be out there one-to-one on the water. She noted that she can look at their lesson schedule but thought it would be pretty rare that they were out on a Sunday morning.

Nicholas Miller, LLRC Coach, explained that there is an option for private lessons for two or three people at a time but noted that he has typically scheduled those during the existing permit hours.

Moeller clarified that if there is any kind of training/coaching/lesson and they are providing a service under the banner of LLRC, that should only take place within the operating hours under their permit.

Council member Feldmann recalled that during his campaign for City office, he knocked on a lot of doors to speak with residents and found that there is definitely some tension regarding the lake usage. He conveyed his appreciation for the high visibility shirts some rowers wear, and would encourage the newer rowers to watch where they are going and emphasize safety. He shared an example of having to pull his children out of the lake while they were swimming due to a newer rower who'd been too close.

Mr. Berrell reflected that lake use during the past summer was unprecedented and he assured the Council that safety is their number one concern for both their rowers and others using the lake.

Council member Dyvik noted that their application states that the estimated attendance is about 25 with two to three coaches, and inquired whether there was a maximum number of students per coach.

Ms. Johnson responded that they aim for a 1:12-15 ratio of coach to rowers. Addressing the photo that was shown earlier by Mr. Axelson depicting one coaching launch and four quads, there are times where they have one coach at the east end and one at the west end to eliminate traffic back and forth on the lake.

Council member Dyvik asked what happens if there is a scheduled class and they get to the lake and there is mayhem with motorized boats.

Ms. Johnson replied that there have been times when they have pulled rowers off the lake when there have been too many wakes present on the water and had to cancel. She stated that coach Nick Miller is also good at finding quiet bays and focusing in that one area.

Council member Joyce suggested that wording be changed to "organized coaching" in order to address the concern raised by Council member Feldmann about one-to-one lessons happening on Sunday mornings. She stated that she likes the specificity included in the permitted hours, however the term 'three weekday evenings' is not specific and asked what the typical evening schedule was. She noted that in her opinion there is a difference between Monday through Wednesday evenings versus Wednesday through Friday nights.

Ms. Johnson responded that their definition of weekdays would be on Mondays through Thursdays and not including Fridays. She noted that their master schedule is usually Mondays and Wednesdays with Tuesdays reserved for Community Education.

Council member Joyce mentioned that she also lives on the lake and there is definitely more congestion the closer it gets to the weekend. She questioned whether it would make sense to spell out Monday through Wednesday evenings rather than ambiguously saying 'three weekday evenings'.

Moeller explained that the 'three weekday evenings' is reflective of the language as set forth within the CUP. She noted that the club updates their online schedule and staff can take an extra step and provide more public notice directing people to the LLRC site in order to see the exact schedule.

Council member Dyvik inquired about the LLRC's current membership numbers.

Ms. Johnson indicated that they currently have about 40 in their Juniors group and about 35 in their Masters group. She noted that their maximum capacity for Juniors is around 50 in order to keep the desired ratio of coaches per rowers.

A motion was made by Dyvik, seconded by Miner, to authorize the Hennepin County Sheriff's Office Water Patrol Unit to issue a Seasonal Use Permit to the Long Lake Rowing Crew for use of Long Lake in 2021 contingent upon the applicant meeting all the conditions of the permit issuance imposed by the issuing agency.

Council member Dyvik urged everyone using the lake to be respectful and considerate of each other and to show lake etiquette.

Ayes: all by roll call.

#### OTHER BUSINESS

**Process for Applications for EDA Review** - Council member Joyce questioned what may be owed to an applicant at the end of the upcoming EDA meeting should they return to present again, and noted her confusion on the application process. Weske stated that the discussion at the EDA meeting just gave the applicant guidance and feedback on their Application for EDA Review concept presentation. He explained that the EDA's action wasn't approval but rather was intended to communicate whether or not the EDA liked their proposal. He clarified that the EDA/City does not owe the applicant any action from an Application for EDA Review concept presentation. Moeller added that the next step in the process, which may or may not occur, would be that if the EDA likes the concept enough they would have the option to make a motion to enter into negotiations for a purchase agreement.

**Open Meeting Law Reminders** - Council members and staff discussed open meeting laws with relation to e-mail chains and when discussion should move back into a meeting setting.

**Spring Road Restrictions** - Moeller reported that spring road restrictions begin on March 4, 2021 at 12:01 am.

**Upcoming Highway 12/CR 112 Projects** – Moeller indicated that staff will share communications via City Listserv and the City's Facebook page as information is received regarding the upcoming Highway 12 projects for areas of the roadway west of Long Lake. Council member Dyvik sought an update on the schedule for Phase 3 of the County Road 112 reconstruction project and inquired whether the Highway 12 projects may have impacted that schedule at all. Weske responded that he had not received any new updates regarding the Phase 3 project. He added that he assumes special legislation money was received to address Highway 12 safety improvements; therefore the funding source would be different than the funding source for the County Road 112 Phase 3 project.

**Appreciation to Staff** - Mayor Miner expressed appreciation for the weekly updates that City Administrator Weske has been sending to the Council. Council member Joyce also voiced her appreciation to City Clerk Moeller for her work to answer all her questions in multiple conversations.

# **ADJOURN**

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:00 pm.

Respectfully submitted,

Scott Weske City Administrator